IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2019

CORAM:

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

C.M.A.No.851 of 2007
and
M.P.No.3 of 2007

The Managing Director,
State Express Transport Corporation Limited,
Chennai - 600 002. .. Appellant/Respondent

Vs.

1.Suguna

2.Sathiya

3.Thamizhvani

4.Kalaivani .. Respondents

PRAYER: Civil Miscellaneous Appeal filed under Section 173 of the Motor Vehicles Act, 1988 against the decree and Judgment dated 29.03.2005 passed in M.C.O.P.No.218 of 2001 on the file of the Motor Accident Claims Tribunal / Additional District Court, Fast Track Court No.V, Tiruvallur.

For Appellant : Mr.M.Krishnamoorthy

For Respondents : No appearance

J U D G M E N T

The appellant is the respondent in M.C.O.P.No.218 of 2001 on the file of the Motor Accident Claims Tribunal / Additional District Court, Fast Track Court No.V, Tiruvallur. The respondents / claimants filed the claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation of Rs.5,03,000/- for the death of one G.Elavarasan, husband of the first claimant and father of claimants 2 to 4, in a road accident on 04.03.2001.

2.The case of the claimants is that on 04.03.2001, the deceased G.Elavarasan was riding his TVS Suzuki two wheeler bearing Registration No.TN 20 B 9460 on Kancheepuram - Poonamallee G.W.T. road and while he was nearing Sowmia Hotel, Thirumangalam, a speeding bus bearing Registration No.TN 07 N 9372 belonging to the appellant / State Express Transport Corporation Limited hit the two wheeler, as a result of which,

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

the deceased fell down and sustained injuries all over his body and was immediately rushed to the hospital. However, he succumbed to injuries and died on the same day. According to the claimants, the rash and negligent driving of the driver of the bus belonging to the appellant / State Express Transport Corporation Limited was the cause of the accident and therefore the appellant / State Express Transport Corporation Limited is liable to pay compensation.

3.The learned Additional District Judge, Fast Track Court No.V, Tiruvallur / Motor Accidents Claims Tribunal, after analysing the evidence on record, awarded a compensation of Rs.2,47,250/- together with interest at the rate of 9% per annum to the claimants and fixed the negligence on the part of the driver of bus and the deceased in the ratio 50:50.

4.Questioning the quantum of compensation and also the negligence fixed on the part of the driver of the bus to the extent 50%, the appellant / State Express Transport Corporation Limited has filed the present appeal under Section 173 of the Motor Vehicles Act, 1988.

5.A perusal of a copy of F.I.R. (Ex.P1) shows that the driver of the bus was responsible for the accident. Apart from that the claimants have examined two eye-witnesses to the occurrence as P.W.2 and P.W.3 and both of them have deposed about the rash and negligent driving of the driver of the bus. No contra evidence was adduced on the side of the appellant / State Express Transport Corporation Limited. However, the Tribunal fixed negligence on the part of the driver of the bus and the deceased based on the evidence. In fact, the Tribunal had assigned cogent reasons for arriving at the conclusion and therefore I do not see any reason to interfere with the findings recorded by the Tribunal.

6.As far as quantum of compensation is concerned, the Tribunal after taking into account all the aspects of the case has awarded a just and reasonable compensation of Rs.4,94,500/-, and the same cannot be said to be on the higher side.

WEB COPY

7. In the result,

(i) The Civil Miscellaneous Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

(ii) The orders passed by the Tribunal is upheld.

(iii) The appellant / State Express Transport Corporation Limited is directed to deposit the compensation awarded by the Tribunal i.e., Rs.2,47,250/- (less the amount already deposited) together with interest at the rate of 9% per annum from the date of claim petition till the date of deposit to the credit of M.C.O.P.No.218 of 2001 on the file of the Motor Accident Claims Tribunal / Additional District Court, Fast Track Court No.V, Tiruvallur within a period of

https://hcservices.ecourts.gov.in/hcservices/

four weeks from the date of receipt of a copy of this order.

(iv) On such deposit being made, the respondents / claimants are at liberty to withdraw the same after following due process of law.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

krk

To

1.The Motor Accidents Claims Tribunal,
The Additional District Judge,
Fast Track Court No.V,
Tiruvallur.

2. The Section Officer,
VR Section, High Court, Madras

+1cc to Mr.M.Krishnamoorthy, Advocate SR.No.91192

C.M.A.No.851 of 2007

VG II(CO)
GMY(19/08/2020)

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/